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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,612	10/16/2001	Dana J. Porter	2442/130	5824
22434	7590	07/25/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			BILGRAMI, ASGHAR H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/981,612

Applicant(s)

PORTER, DANA J.

Examiner

Asghar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Double Patenting*

1. In light of Applicant's argument the Examiner has withdrawn the double patenting rejection.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 5 & 6 rejected under 35 U.S.C. 101 for being non statutory.

The Examiner has shown one way to overcome this rejection.

Claim 5

#### **A computer program product on a computer readable medium and executing on a**

**computer** for accessing management information in CIM-format transferred by an SNMP agent in SNMP format, the computer program product comprising a computer usable medium having computer readable program code thereon, the computer readable program code including program code for: receiving a data request from a CIM object manager including CIM data objects; mapping the data request into an SNMP request; determining session parameters for a communications session with the SNMP agent, including: requesting a configuration class instance from the CIM object manager matching a group name and a system name associated with the SNMP request, receiving from the CIM object manager identification of a configuration class instance matching the group name and the system name, retrieving SNMP session parameters defined by the identified configuration class instance, and establishing the

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communications session with the SNMP agent using the retrieved SNMP session parameters; transmitting the request to the SUMP agent; and receiving a response to the SN1V[P request message from the SNMP agent.

## Claim 6

**A computer program product on a computer readable medium and executing on a computer** according to claim 5, the computer readable program code further including program code **on a computer readable medium and executing on a computer** for: generating a MOF file for at least one of a group and a row sequence specified in the MIB file, the MOF file including an object class, the MIB file including at least one SNMP variable; and generating a property and property qualifiers including an OID and SNMP datatype for each SNMP variable for inclusion in the MOF file, wherein: mapping the data request into the SNMP request includes accessing the MOF file.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 3-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Menzies et al (U.S. 6,317,748 B1).

6. As per claims 1, 5 & 12 Menzies disclosed a method for accessing management information in CIM-format transferred by an SNMP agent in SNMP-format, the method comprising: receiving a data request from a CUM object manager including CIM data objects; mapping the data request into an, SNMP request (col.12, lines 8-16); determining session parameters for a communications session with the SNMP agent, including: requesting a configuration class instance from the CIM object manager matching a group name and a system name associated with the SNMP request, receiving from the CIM object manager identification of a configuration class instance matching the group name and the system name, retrieving SNMP session parameters defined by the identified configuration class instance (col.6, lines 61-67 & col.7, lines 1-15), and establishing the communications session with the SNMP agent using the retrieved SNMP session parameters (col.6, lines 22-50); transmitting the request to the SNMP agent; and receiving a response to the SNMP request message from the SNMP agent (col.12, lines 17-30 & col.13, lines 61-65).

7. As per claim 3 A method according to claim 1, the method further comprising: mapping response data into the CIM data objects; and completing the data request including returning the CIM data objects to the CIM object manager (col.14, lines 33-43).

8. As per claims 4 & 6 Menzies disclosed a method according to claim 1, the method further comprising: generating a MOF file for at least one of a group and a row sequence specified in the MIB file (col.2, lines 17-30), the MOF file including an object class, the MIB file including at least one SNMP variable (col.1, lines 61-67 & col.2, lines 1-10); and generating a property and property qualifiers including an OID and SNMP datatype for each SNMP variable in the MIB file for inclusion in the MOF file (col.2, lines 17-30), wherein: mapping the data request into the SNMP request includes accessing the MOF file (col.13, lines 21-65).

9. As per claims 7 & 13 Menzies disclosed a method according to claim 1, wherein the data access request identifies a CIM class including the group name (col.6, lines 61-67 & col.7, lines 1-15).

10. As per claims 8 & 14 Menzies disclosed a method according to claim 1, wherein the data access request identifies the system name (col.6, lines 61-67 & col.7, lines 1-15 & col.13, lines 48-65).

11. As per claims 9 & 15 Menzies disclosed a method according to claim 8, wherein the system name identifies a system where the SNMP agent is situated (col.14, lines 33-54).

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12. As per claims 10 & 16 Menzies disclosed a method according to claim 1, wherein the session parameters include a port number (col.4, lines 48-67).

13. As per claims 11 & 17 Menzies disclosed a method according to claim 1, wherein the session parameters include a timeout value (col.8, lines 29-39).

*Response to Arguments*

14. Applicant's arguments filed May 4, 2005 have been fully considered but they are not persuasive.

When reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

15. The applicant argued "Menzies fails to disclose or suggest any scheme for establishing a communications session with an SNMP agent, unlike claim 1".

As to applicants's arguments Menzine disclosed establishing communications with a device utilizing SNMP agent to acquire device information (col.1, lines 11-36, col.17, lines 65-67 & col.18, lines 1-10)

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16. The applicant argued “Menzie’s fails to disclose or suggest how the CIMOM 70 and providers 72 initiate, establish and maintain communications with one another to communicate clients requests, much less any other scheme by which the particular SNMP parameters used to establish a communication session are retrieved by identifying a configuration class instance which matches a system name and a group name associated with the SNMP request”.

As to applicant’s arguments Menzine disclosed that clients communicate with the CIMOM/CIM server 70 over an underlying protocol such as TCP (col.5, lines 61-67 & col.6, lines 1-4).

Menzine also disclosed that the providers gather the necessary data from the devices using SNMP and transferring the data to the CIMOM/CIM 70 (col.6, lines 19-50). In addition Menzine disclosed that are various types of providers for devices to include property providers which are capable of providing and setting single property values, given a static definition of class and instance (col.6, lines 61-67 & col.7, lines 1-15).

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

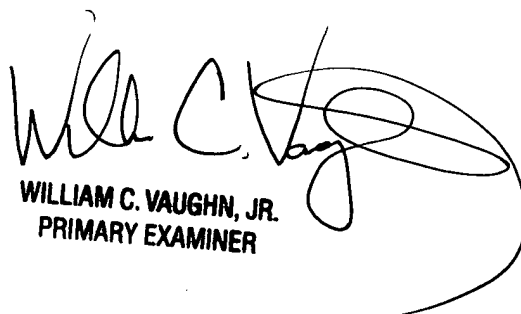
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AB

Asghar Bilgrami  
Examiner  
Art Unit 2143



WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER